

**DECISION  
GRAFTON PLANNING BOARD**

**SITE PLAN APPROVAL (SPA 2016-2)**

**Professional Office Building, Parking and Associated Site Work  
103 Worcester Street, North Grafton, MA 01536**

**Marc & Tina Theroux (Applicant)  
Helen Bulger (Owner)**

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GRAFTON, MA  
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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Marc & Tina Theroux, 2 Stonegate Circle, Grafton, MA 01519 (hereinafter the APPLICANT), for an Professional Office Building on property located at 103 Worcester Street, North Grafton, MA, (hereinafter the SITE) Assessors Map 46, Lot 19, owned by Helen Bulger, 103 Worcester Street, North Grafton, MA 01536 (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 14991, Page 389. Said property is located within the following zoning districts: Community Business (CB), Medium Density Residential (R-20) and the Water Supply Protection Overlay District (WSPOD).

The above referenced application for a Special Permit / Site Plan Approval (hereinafter APPLICATION) was submitted on March 3, 2016. Notice of the public hearing and the subject matter thereof was published in the Grafton News on March 10 and March 17, 2016 and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on March 28 (no testimony received) and continued to April 11<sup>th</sup> and May 16<sup>th</sup>. At the May 16<sup>th</sup> hearing no testimony was received and the Applicant requested a continuance to June 13, 2016. The Applicant was advised that there may be change in the Board membership due to Town Elections scheduled for May 17, 2016. In order to ensure that the Board had an adequate number of members to vote on the Application it was decided jointly between the Board and the Applicant to re-advertise the hearing to allow any new members the opportunity to participate and vote. The second public hearing was advertised on May 26 and June 2, 2016 and posted with the Town Clerk's Office. Abutters were notified by First Class Mail.

At the hearing the following people presented the Application: Norman Hill, Land Planning, Inc.; John Marro, Architect; and Marc & Tina Theroux (APPLICANT). During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on June 13, 2016.

The following Board members were present throughout the public hearings and deemed eligible to vote at the time of Decision: Michael Scully, Robert Hassinger, Linda Hassinger and David Robbins.

**I. SUBMITTALS**

The following items were submitted to the Board for its consideration of this application:

- EXHIBIT 1. Site Visit Report, Deep Hole Test Pits; submitted by Graves Engineering; dated January 6, 2016, received January 15, 2016; 3 pages.
- EXHIBIT 2. Memorandum from Town Planner to Norman Hill and Marc Theroux, Review of Completeness of 103 Worcester Street Site Plan Application; dated January 28, 2016; 3 pages; includes the following attachments:



- Plan Set, Site Development Plan, Theroux Dental Complex; prepared by Land Planning, Inc.; 11" x 17", black & white; dated January 26, 2016, received January 27, 2016; 9 sheets.
- Plan, Comfort Point, Lake Ripple; Worcester District Registry of Deeds Plan Book 41, Plan 14; October 29, 1923; received January 27, 2016; 11" x 17", black & white; 1 sheet.
- Quitclaim Deed for 4 Bernard Road; Worcester District Registry of Deeds Book 33424, Page 310; April 27, 2004; 11" x 17", black & white; received January 27, 2016; 3 pages.

EXHIBIT 3. Materials prepared and submitted by Land Planning, Inc., received March 1, 2016; includes the following:

- Stormwater Report, Theroux Dental Complex; dated February 29, 2016.
- Plan Set, Site Development Plan, Theroux Dental Complex; 24" x 36", black & white; dated January 26, 2016, revised through February 29, 2016; 8 sheets.

EXHIBIT 4. Unbound application materials submitted by Land Planning, Inc., received March 3, 2016; includes the following:

- Application for Site Plan Approval; dated March 2, 2016; received by the Clerk's Office on March 3, 2016; 1 page.
- Certificate of Good Standing; dated March 3, 2016 by the Treasurer/Collector's Office; 1 page.
- Request for Abutters List; dated January 21, 2016 by the Assessor's Office; 1 page.
- Certified Abutters list signed by the Assessor's Office Manager; dated January 21, 2016; 1 page.
- Statement of Compliance; dated February 2, 2016; 1 page.
- Correspondence; Subject: Submission for Site Plan Approval; submitted by Norman Hill, of Land Planning, Inc.; dated March 1, 2016; 2 pages.
- Legal Documentation; Book 14991 Page 389 from the Registry of Deeds; dated March 2, 1993; received March 1, 2016; 3 pages.
- Letter of Correspondence; Subject: Estimated Traffic and Sight Distance; submitted by Norman Hill, of Land Planning, Inc.; dated January 27, 2016; 1 page.
- Letter of Correspondence; Subject: Additional parking; submitted by Norman Hill, of Land Planning, Inc.; dated March 1, 2016; received March 1, 2016; 1 page.
- GIS images of the property location; 8 ½" X 11"; black and white; no date; received; 2 pages.
- Flood Insurance Rate Map; Map Number 25027C0827E; 11" X 17"; black and white; effective date July 4, 2011; 1 page.



- Plan Set: Site Development Plan; prepared by Land Planning, Inc.; 11" X 17"; black and white; dated January 26, 2016, revised through February 29, 2016, 8 sheets.
- EXHIBIT 5. Memorandum to Norman Hill and Marc Theroux; Review of 103 Worcester Street Site Plan Revised on February 29, 2016; from Joseph Laydon, Town Planner; dated March 3, 2016; 2 pages.
- EXHIBIT 6. Email Correspondence; Subject: Re: Theroux Materials and Plans Mailed to Graves; from Maria Mast, Conservation Agent; dated March 4, 2016; no received date; 1 page.
- EXHIBIT 7. Email Correspondence; Subject: SPA 2016-2; from Matt Pearson, Grafton Water District; dated and received March 14, 2016; 1 page.
- EXHIBIT 8. Email Correspondence; Subject: SPA 2016-2 – Dental & Medical Offices – 103 Worcester Street; from Lydia Bogar; dated March 16, 2016; received March 17, 2016; 1 page.
- EXHIBIT 9. Email Correspondence; Subject: Request for Continuance; from Norman Hill; dated and received March 28, 2016; 1 page.
- EXHIBIT 10. Public Hearing Sign In Sheet, March 28, 2016; 1 page.
- EXHIBIT 11. Materials prepared and submitted by Land Planning, Inc., received April 7, 2016; includes the following:
- Correspondence from Norman Hill, Submission of Revised Site Plans; dated April 7, 2016; 1 page.
  - Stormwater Report, Theroux Dental Complex; dated April 4, 2016.
  - Plan Set, Site Development Plan, Theroux Dental Complex; 11" x 17" and 24" x 36", black & white; dated January 26, 2016, revised through April 7, 2016; 8 sheets.
- EXHIBIT 12. Graphic for Sign; prepared by Sunshine Sign; 8 ½" X 11"; color; dated and received April 8, 2016; 1 page.
- EXHIBIT 13. Architectural Plan Set; prepared by John Marro III, A.I.A.; 11" X 17"; black and white; dated April 7, 2016; received April 8, 2016; 3 sheets.
- EXHIBIT 14. Public Comment Form; Subject: SPA 2016-2: Dental & Medical Offices – 103 Worcester Street; submitted by Lydia Bogar of 8 Bernard Road; dated and received April 11, 2016; 1 page.
- EXHIBIT 15. Written request for continuance of the public hearing to May 16, 2016; signed by the Applicant at the April 11, 2016 public hearing; 1 page.
- EXHIBIT 16. Email Correspondence; Subject: SPA 2016-2: Dental & Medical Offices – 103 Worcester Street; submitted by Gillian Hubley of 4 Bernard Road; dated and received April 26, 2016; 1 page.
- EXHIBIT 17. Email Correspondence; Subject: SPA 2016-2: Dental & Medical Offices – 103 Worcester Street; submitted by Ray Connolly of 10 Bernard Road; dated and received April 27, 2016; 1 page.



- EXHIBIT 18. Correspondence; Subject: Proposed Site Development, Theroux Dental Complex, 103 Worcester Street, Site Plan and Conservation Commission Review; submitted by Jeff Walsh, P.E. of Graves Engineering, Inc.; dated and received April 29, 2016; 4 pages.
- EXHIBIT 19. Email Correspondence; Subject: Theroux - Continuance; submitted by Marc Theroux; dated and received May 13, 2016; 1 page.
- EXHIBIT 20. Public Hearing Sign In Sheet, May 16, 2016; 1 page.
- EXHIBIT 21. Correspondence; Subject: 103 Worcester Street – Theroux Dental Complex; submitted by Norman G. Hill; dated and received May 19, 2016; 1 page.
- EXHIBIT 22. Correspondence; Subject: Request for Waivers; submitted by Norman G. Hill; dated and received May 19, 2016; 1 page.
- EXHIBIT 23. Correspondence; Re: Response to peer review, Theroux Dental Complex, 103 Worcester Street; submitted by Norman G. Hill; dated and received May 18, 2016; 5 pages.
- EXHIBIT 24. Materials prepared and submitted by Land Planning, Inc., received May 18, 2016; includes the following:
- Stormwater Report, Theroux Dental Complex; revised May 16, 2016.
  - Plan Set, Site Development Plan, Theroux Dental Complex; 11" x 17" and 24" x 36", black & white; dated January 26, 2016, revised through May 16, 2016; 9 sheets.
- EXHIBIT 25. Certified Abutters list signed by the Assessor's Office Manager; dated May 27, 2016; 1 page.
- EXHIBIT 26. Correspondence; Subject: Proposed Site Development, Theroux Dental Complex, 103 Worcester Street, Site Plan and Conservation Commission Review; submitted by Jeff Walsh, P.E. of Graves Engineering, Inc.; dated June 2, 2016; received June 6, 2016; 5 pages.
- EXHIBIT 27. Aerial photograph of 103 Worcester Street, Town of Grafton GIS; 8 ½ x 11", color; dated June 7, 2016; 1 page.
- EXHIBIT 28. Correspondence; Subject: Submission of Revised Site Plans; submitted by Norman G. Hill; dated and received June 9, 2016; 2 pages.
- EXHIBIT 29. Plan Set; Site Development Plan; prepared by Land Planning, Inc.; 24" x 36" and 11" X 17"; black and white; dated January 16, 2016, revised through June 8, 2016; received June 10, 2016; 9 sheets.
- EXHIBIT 30. Memorandum from Town Planner, Joseph Laydon; Subject: Review of 103 Worcester Street Site Plan Revised on June 8, 2016; dated June 10, 2016; 3 pages.
- EXHIBIT 31. Correspondence; Subject: 103 Worcester Street – Theroux Dental Complex; submitted by Norman G. Hill; dated and received June 13, 2016; 1 page.
- EXHIBIT 32. Plan Set; Site Development Plan; prepared by Land Planning, Inc.; 24" x 36"; black and white; dated January 16, 2016, revised through June 13, 2016; received June 10, 2016; 9 sheets.



## **II. FINDINGS**

At their meeting of July 11, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 4-0 to make the following Findings:

- F1. That determinations regarding the following Findings are based upon the plans identified in this Decision, as well as the information submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are predicated on the satisfactory maintenance of the site in accordance with this Decision, as well as all applicable federal, State, and Local regulations, except where modified by this Decision
- F3. That the subject site is located within two zoning districts: Community Business (CB) and Medium Density Residential (R-20). The site is located within the Water Supply Protection Overlay District. It is bound by Worcester Street to the east, Harris Road to the south and Bernard Road to the west. Access to the site is off of Harris Road. The portion of Bernard Road that abuts the site to the west is an unimproved public way. The site is bordered by the Quinsigamond River to the north (misidentified in the Application as the Blackstone River).
- F4. That during the public hearing the Board and the Applicant discussed the proposed project. The Applicant is in the process of purchasing the 2.6 acre property on which a single family house and detached garage currently sit. The buildings will be demolished, the site will be regraded approximately 4 feet down from its current height, the existing retaining wall will be removed and the Worcester Street frontage will be regraded to improve the sight lines for south travelling motorists. Town water and sewer are in close proximity to the site. A new, approximately 7,000 square feet, professional building with three units will be constructed. Dr. Theroux will move her existing practice to the new building and occupy the largest of the proposed units. Space for additional medical professionals will also be available and not to exceed three businesses. It is noted that a Special Permit is not required for the use(s) as the building will be located within the Community Business zone at the eastern side of the site. These uses are permitted in this zone.
- F5. That during the public hearing the Board received written and verbal testimony from several abutters and residents of the surrounding neighborhood: Gillian & Michael Hubley of 4 Bernard Road (see EXHIBIT #16), Lydia Bogar (see EXHIBITS #8 and #14), and Ray Connolly (see EXHIBIT #17). Issues of concern included:
  - the impacts of site lighting from proposed light poles and headlights from cars parking along the western edge of the site facing the Bernard Road residents
  - visual screening, fencing (type, height, length) and the maintenance thereof
  - prevention of trespassing from the site into the abutters yards
  - the use of Bernard Road as a means of bypassing the Harris Road / Worcester Street intersection
  - wetlands and wildlife impacts, and in particular, nesting swans
  - concerns about traffic using private driveways to turn around if they miss the entrance to the site



- environmental impacts of the additional impervious surface of the proposed parking area
- snow storage and run off from the site onto abutting properties

Abutters concerns were discussed by the Board and the Applicant (see the following Conditions).

- F6. That during the public hearing the Board and the Applicant discussed the parking. Forty eight (48) parking spaces are proposed. During the course of the public hearing and the ongoing revisions to the plan in accordance with technical review the parking requirements were met. No off site reserve parking is required. Questions arose about the need for so much parking. The Applicant provided an overview noting the need for employee parking and the number of spaces to accommodate visitors. Dr. Theroux's practice will be occupying more than half of the proposed space in the building and will generate the most traffic to the site. It was noted that her practice is open 8:00 a.m. to 8:00 p.m., Monday through Thursday and closes midday on Fridays. No office hours on Saturdays. Mr. Hill reviewed the anticipated patient turn over throughout the day and based on the number of workflow of the practice. He stated that the number of spaces provided would be more than adequate to support the site when it is fully built out and occupied with tenants. Mr. Laydon further explained that the Zoning By-Law sets a parking space requirement for broad categories of uses. A professional building is required to meet the same ratio as a supermarket or large retail store despite the larger turnover and customer base of the latter. It was noted that any change to the site that impacted the number of spaces (increase or decrease) would require Planning Board review as a modification to any plan approved.
- F7. That during the public hearing the Board and the Applicant discussed site circulation. The plan shows two access points to the site from Harris Road: a one-way entrance nearer to Worcester Street and a two way enter / exit point further to the west. The need for two points of access were reviewed when someone asked if the one-way entrance could be eliminated. The Applicant noted that it was a matter of safety to provide two access points which would allow for better site circulation in the event of an emergency. A second access point will also reduce any back up of traffic onto Harris Road. It was further noted that it would allow for better access and management of the loading areas.
- F8. That during the public hearing the Board and the Applicant discussed site access and traffic impacts to the Bernard Road neighborhood. It was noted that the Harris Road / Worcester Street intersection was extremely difficult to navigate especially when attempting left hand turn. This is due to a number of factors including the line of sight looking to the north from the intersection, the traffic lane configuration at the intersection where the road expands to multiple lanes, the traffic generated from the area businesses, the rate of speed of motorists and the fact that Worcester Street is a major commuter route. Residents expressed concern that people will opt to avoid that intersection when leaving the site and will travel through the neighborhood along a route that would take them out to a less difficult intersection further south. It was noted that many people opt to turn right, cross over three lanes of traffic to turn into the Stop & Shop plaza at the light, turn around in the lot and then exit out to make a right to travel north. The residents noted that neighborhood is very small and quiet and that any increase in traffic would be a disturbance and safety issue for neighborhood children. They asked the Board if the Applicant could install a "No Right Turn" sign at the exit of the site. The Board noted that such signage requires review and approval by the Traffic Safety Committee. The Board asked that a condition be drafted to address this issue.
- F9. That during the public hearing the Board and the Applicant discussed the condition of Harris Road. It was noted that slope in the road as it descends towards Worcester Street was a concern for all



based on the problems with that intersection (see FINDINGS #F8 and #F12) and the traffic projected to visit the site on a daily basis. The Applicant noted that they had approached both MassDOT and the Town to see if there was any money or plans to regrade or improve that intersection and Harris Road to improve traffic safety and correct the drainage problems which cause puddling and icing during the winter. MassDOT does not have an immediate plan to correct the roadway problems at the intersection. The Town does not currently have the funds or engineering analysis to regrade or reconstruct the road and its infrastructure. Mr. Hill stated that the Applicant does not have the funds to take on that public works project. However, the final grade of the site would accommodate any future improvements along Harris Road.

- F10. That during the public hearing the Board and the Applicant discussed exterior lighting. The Applicant noted that the parking lot lights will be hooded to direct the light downward. Other ground mounted site lighting was eliminated from the plan. All additional site lighting will be provided by building-mounted fixtures (see EXHIBIT #26). The Applicant noted that the lights would schedule to be turned off when all three units in the building were closed for business.
- F11. That during the public hearing the Board and the Applicant discussed traffic impacts. It was noted that the Applicant submitted trip generation calculations (see EXHIBIT #4). Based on the proposed uses, the hours of operation and work flow the anticipated tenants, approximately 216 trips per day are anticipated. Based on the work flow the primary tenant it is anticipated that there will 16 trips per hour (8 entering the site, 8 exiting the site). The Board asked if the Applicant was intending to submit a full traffic study that provides additional data typical of a full traffic study. The Applicant stated they did not intend to do so.
- F12. That during the public hearing the Board and the Applicant discussed the line of sight along Worcester Street. Presently the site sits approximately 10 feet above the elevation of Worcester Street along the site. There is a retaining wall along this frontage. There has been a long standing safety issue in this area due to a number of factors: the curving roadway along the site, the topography, the narrowing / widening pattern Worcester Street at the intersection with Snow and Harris Roads and the number of businesses in close proximity generating traffic. In addition the line of sight travelling south along this area is significantly reduced which poses a safety hazard for those wishing to turn right on Harris or Snow roads. The Applicant is proposing to remove the retaining wall and regrade the site approximately 4 feet below its current elevation. Site work will including a sloping grade along the Worcester Street frontage. This will increase the line of sight in excess of 250 feet which is a significant improvement. It was noted that all work done along the Worcester Street frontage will require approval and permits from the State.
- F13. That during the public hearing the Board and the Applicant discussed the regrading of the site. It was noted that regrading was necessary to accommodate the proposed site elements such as the building footprint and the parking. The programming for the site is complicated by the environmental constraints due to wetlands and proximity to the riverfront both of which have regulations restricting the development of the full acreage.
- F14. That during the public hearing the Board and the Applicant discussed buffering and screening with particular attention to minimizing impacts to the residents on Bernard Road. Site elements proposed to minimize impacts include fencing and landscaping. A six foot, vinyl, privacy fence will be installed along the area from the entrance / exit along the parking lot edge onto the site up until it reaches the area where a snow storage area needs an unencumbered space. It was noted night time lighting from the site would be screened significantly from the nearest residential abutter based on



the angle of the proposed building, the location of the fencing, and the distance and angle to the nearest abutter. The Applicant noted that the space in question was needed for snow storage and couldn't be encumbered by a fence. It was further noted that there will be limited clearing and selective cutting of this area and that existing trees would be retained and additional trees would be planted to further screen the site from the residential neighborhood. Mr. Laydon noted that the Conservation Commission is requiring that there be little or no cutting or cultivation of lawn in this area and that it be allowed to revert to a natural state for environmental reasons associated with the site's proximity to the riverfront and wetlands. It was noted that the Board could require a condition that enabled the Town to work with the Applicant through construction to ensure that the landscaping was installed and maintained to maximize the screening of the site and to monitor the limit of work by way of inspections.

- F15. That during the public hearing the Board and the Applicant discussed drainage and stormwater. The Applicant had conducted soil testing. There test pits were dug to down 15 feet which revealed clean, dry, sand and gravel (see EXHIBIT #1). A stormwater management report was submitted and revised twice based on comments received from the Board's consulting engineer. The infiltration system will accommodate 100% of the rainfall and drainage from the site. There will be no increase in the rate of run-off or the total run-off from the site. An abutter to the site noted that the Town currently uses the western portion of the site at the corner of Bernard and Harris Road for snow storage and asked if that had been taken into consideration. It was noted that it had and that the new system is designed to resolve long standing problems with water puddling on Harris Road.
- F16. That during the public hearing the Board and the Applicant discussed signage. The Applicant noted that they plan to install a site identifications sign along the Worcester Street frontage. The proposed sign will comply with the Zoning By-law and not require a Special Permit. Mr. Laydon noted that it would be important to review the proposed sign location because of the proposed grading for the frontage along Worcester Street. Directional signage details were not submitted at the time of Decision. The Board noted that these signs were important to ensure adequate site circulation. It was noted that, if approved, the Decision could include a condition that requires the Board's review of the directional signage prior the Applicant applying for permits to install such signage.
- F17. That during the public hearing the Board received a Departmental Comment Form from the Grafton Water District (see EXHIBIT #7). It was stated they had no comments or objections of note.
- F18. That during the public hearing the Board received comments from the Conservation Commission (see EXHIBIT #6). Some of the issues raised were addressed as part of the ongoing technical review of the application throughout the submission and hearing process. It was recommended that the Applicant submit a construction phasing plan. It is noted this would ensure that site work progressed in a structured and responsible manner with regards to installation of stormwater management infrastructure and site work within sensitive and protected environmental resource areas.
- F19. That during the public hearing the Board received several review letters from Graves Engineering, the Board's peer review engineer. It is noted that review work was conducted on behalf of the Planning Board and the Conservation Commission to eliminate duplication of effort and provide a consolidated approach to review of all the land use and environmental issues.



At their meeting of July 11, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 4-0 to make the following Findings with regard to the specific issues listed in Section 1.3.3 of the ZBL:

- F20. That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure. The Board finds that the Applicant requested one waiver (see EXHIBIT #22).
- F21. The Board finds that, with the exception of the waiver request for one item, the Applicant did the other submission requirements for a site plan as required in Section 1.3.3.3 of the Zoning By-Law.

### III. WAIVERS

- W1. At their meeting of July 11, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 4-0 to **GRANT** the Applicant's request for the following waivers from **Section 1.3.3.3 (d)(22) Site Plan Requirements – Lighting** of the ZBL with regard to preparing site plans.

The Applicant noted in their written request that they would “like to avoid doing a photometric plan.” (See EXHIBIT #22).

The Board notes that the purpose of a photometric plan photometric plan is to examine the degree to which exterior night lighting affects an adjacent street, property owner or community. Photometric plans typically examine the following factors: light source, level of illumination, hours of illumination and need for illumination in relation to the effects of the lighting on adjacent streets, property owners and the neighborhood.

The Board notes that the impacts of exterior lighting on the abutting properties were discussed during the public hearing (see FINDINGS #F10 and #F14). Of particular concern was the nature of the parking lot lighting – amount, type, length of time they would be on, distance to abutters, and proposed screening. The Board finds that the Applicant did address these issues in the materials submitted and during the public hearing.

The Board notes that there are unique site factors which justify the granting of this waiver including the proposed grading and topography on the western portion of site and its relationship to the residents on Bernard Road.



#### **IV. DECISION**

At their meeting of July 11, 2016 after due consideration of the EXHIBITS submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 4-0 to **APPROVE** the Site Plan with the following conditions:

##### **A. Standard Conditions**

1. This Site Plan Approval specifically authorizes the construction of a professional office building, required infrastructure, grading and landscaping as described within the EXHIBITS and FINDINGS of this Decision.
2. The work authorized Site Plan Approval shall be solely for the purposes noted within Condition #1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
3. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision.
4. The Applicant shall provide details of the proposed directional signs prior to applying for sign permits with the Building Department. The details shall be submitted to the Planning Board for their review and approval. Written approval by the Board or its agent shall be entered into the project file and shall be submitted to the Building Department at the time of application for sign permits for the directional signage (see FINDING #F16). Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
5. In accordance with Section 1.3.3.8 of the ZBL, this Site Plan Approval shall be valid for two (2) years from the date of approval. All work must be completed within two (2) years from the date of approval. Any request for an extension of said period of validity shall be considered a Modification of this Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.3.3.8 of the ZBL. Any change in the site layout including but not limited to any increase or reduction of parking spaces as presented in this Application shall be considered modifications. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.3.3 of the Zoning By-law, and



any other applicable regulations. Any costs associated with peer review by the Town's consulting engineer shall be the responsibility of the Applicant.

6. The Planning Board reserves the right to require the submission of an "as built" plan prepared by a professional engineer if it is determined upon inspection (by either the Board or its agent), and prior to the issuance of an occupancy permit, that the project was not constructed as shown on the approved plans.
7. The Planning Board reserves the right to require additional screening measures on the Site (e.g. vegetation, fencing, etc.) along the property boundaries for up to one (1) year after the issuance of an Occupancy Permit by the Building Department if, in the opinion of the Board, such measures are necessary to ensure adequate screening and/or buffering from the abutting residential properties.

**B. Conditions to be Met Prior to the Start of Construction**

1. The Applicant shall contact and meet with the Traffic Safety Committee to discuss the traffic circulation signage options at the exit points of the site. In particular the Applicant will request review and determination from the Committee about "no right turn" signage which would direct people away from traveling into and through the abutting residential neighborhood as a means of bypassing the Harris and Worcester Street intersection. Any additional signage pertaining to public safety shall be included on the revised plan set prior to submission to the Planning Department as required in Condition C4. Submission of correspondence from the Traffic Safety Committee outlining the results of that meeting shall be submitted to the Planning Board.
2. Submission of a construction phasing plan to be reviewed and approved by the Town Planner who will seek input from the Conservation Agent, Department of Public Works and the Town Engineer and /or their agent(s) prior to approval. The construction phasing plan shall include (but not limited to) inspections and testing of the stormwater management infiltration system, inspections of the proposed limit of work, installation of erosion control barriers, and installation of construction fencing prior to commencement of site work, approval of proposed tree removal and the appropriate inspections of location and installing of plant material. No construction activity shall occur on the Site until the Applicant receives written authorization from both the Planning Board and Conservation Commission and/ or their agents regarding the adequacy of the initial erosion control and site stabilization measures as well as the accepted limit of work.
3. Prior to the issuance of a building permit, the Applicant shall submit a final plan set to be reviewed and approved by the Planning Board or its Agent to include:
  - a. The Conditions set forth in this Decision shall be inscribed on a sheet of the Plans.
  - b. Sequential sheet numbering.
  - c. A final revision date.
  - d. The approved construction phasing plan (see Condition C2).
  - e. Any additional signage pertaining to public safety as outlined in Condition C1.
4. Prior to the commencement of work, the Planning Board shall be provided with the following:
  - a. Five (5) full size, 24" x 36", plan sets, one of which shall be sent directly to the Town's peer review consulting engineer.
  - b. An electronic copy of the plan set. The electronic copy shall be in a "PDF" compatible format.



5. Prior to any clearing the site shall be inspected by the Planning Board or its designee to review the delineated limits of work, erosion control and site stabilization measures and other work items identified on the construction phasing plan.

**C. Conditions to be Met During Construction**

1. The Applicant / Owner shall submit a landscaping plan satisfactory to the Board and / or its designee which identifies the types and locations of proposed plantings. Proposed plantings shall be of native species to promote long term viability and prevent invasive behavior. All planting locations shall be staked and the locations shall be inspected by the Town Planner prior to installation. Locations may be amended in the field with the approval of the Town Planner. The Town Planner shall confer with the Conservation Agent to ensure that no proposed work or locations are in conflict with any requirements on the Order of Conditions.
2. Hours of construction and earthwork proposed shall only occur Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays from 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
3. All grading and construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.
4. The Applicant shall submit a copy of any permits required and obtained relating to the proposed work in the Worcester Street layout as it relates to site grading to the Planning Department. The Applicant will coordinate all roadway work with the Grafton Department of Public Works.
5. Site identification signage to be installed along Worcester Street shall be reviewed and approved by the Town Planner prior to installation to ensure consistency with site plan with particular regards to location, grading, and landscaping. Installation shall not commence until the Applicant has received written approval from the Town Planner.

**D. Conditions to be Met After Construction**

1. The Applicant / Owner shall ensure that the landscaping is maintained for the life of the permit in order to ensure a healthy landscape screening and buffering plan as discussed and agreed upon during the public hearing. The Applicant will adhere to the following:
  - Ensure that the plant material is maintained properly especially during the first three years after installation.
  - Replace any plant material that fails to thrive either through death or disease. Material shall be replaced in a timely manner. Replacement material shall be in kind. Any change in plant material must be approved by the Planning Board or its Agent.
  - Regular Inspections – the Planning Board or its Agent reserves the right to inspect the site, with particular attention to the landscaping, to ensure continued compliance with this Special Permit and Site Plan Approval.
  - Maintain all fencing in a timely manner.



**V. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted 4-0 to **APPROVE** the Site Plan Approval Application with Conditions for a Professional Office Building and associated site work at 103 Worcester Street based on the information received at the public hearing and the aforementioned findings.

<u>Michael Scully, Chairman</u>	<u>AYE</u>	<u>David Robbins, Clerk</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>

**DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

  
\_\_\_\_\_  
Joseph Layden, Town Planner

July 15, 2016  
Date

- cc: Owner
- Marc & Tina Theroux (Applicant)
  - Building Inspector
  - Board of Assessors
  - Police Chief
  - Traffic Safety Committee
  - Norman Hill, Land Planning, Inc.
  - Jeff Walsh, Graves Engineering



